## IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

MAX MARGULIS, individually and	)		
on behalf of all others similarly situated,	)		
Plaintiff,	)		
VS.	)	Case No.	4:14-cv-01131-JAR
SURREY VACATION RESORTS, INC., d/b/a GRAND CROWNE RESORTS,	) ) )		
Defendant.	)		

## PLAINTIFF'S MOTION FOR SANCTIONS AGAINST DEFENDANT

COMES NOW Plaintiff Max Margulis ("Plaintiff"), by and through undersigned counsel, and for his Motion for Sanctions Against Defendant ("Motion"), states as follows:

## PROCEDURAL BACKGROUND

Plaintiff filed this action on behalf of himself and others similarly situated on April 24, 2014. (Doc. No. 2). The case was removed to this Court on June 23, 2014. (Doc. No. 1). Plaintiff originally named Surrey Vacation Resorts, Inc. ("Defendant"), as the single defendant in this action. The parties have engaged in extensive motion practice, written discovery, party depositions, and expert depositions. Defendant filed dispositive motions on December 21, 2015. (Doc. Nos. 64 and 65). On August 4, 2016, this Court denied Defendant's Motion for Summary Judgment. (Doc. No. 74). On August 25, 2016, this Court issued a Third Amended Case Management Order. (Doc. No. 76). Eleven days before the discovery period ends, counsel for Defendant filed their motions to withdraw on November 3, 2016, and this Court granted Defendant's motion on November 10, 2016. The Court's Order dated November 10, 2016 ("Order"), among other things, ordered the following:

IT IS FURTHER ORDERED that Defendant Surrey Vacation Resorts, Inc., d/b/a/ Grand Crowne Resorts, is granted thirty (30) days, **up to and including December 9, 2016**, to retain alternate counsel. Failure to comply with this Order may result in the imposition of sanctions against Surrey, including the striking of its pleadings and entry of a default judgment against it.

(Doc. No. 83). Defendant has failed to comply with this Court's Order. As a result, Plaintiff respectfully moves for the imposition sanctions against Defendant in any manner this Court deems necessary for failing to comply with the Court's Order. Plaintiff also respectfully requests that the Court allow Plaintiff to recover his reasonable attorneys' fees and costs related to this Motion. The basis for Plaintiff's Motion is more fully set forth in Plaintiff's Memorandum of Law in Support of this Motion, which is filed contemporaneously herewith and incorporated herein by reference.

WHEREFORE, Plaintiff respectfully requests that this Court grant his Motion for Sanctions Against Defendant and enter an Order as follows: (1) impose sanctions against Defendant in any manner the Court deems necessary for failure to comply with its Order dated November 10, 2016; (2) award Plaintiff his reasonable attorneys' fees and costs pursuant to incurred, including the time spent on the research, preparation, drafting, and arguing of the instant Motion; and (3) for such other and further relief as this Court deems just and proper.

Respectfully submitted,

/s/Cyrus Dashtaki

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Attorney for Plaintiff and all others similarly situated

## **CERTIFICATE OF SERVICE**

I hereby certify that, on February 23, 2017, a true and correct copy of the above and foregoing document was filed electronically with the Court's CM/ECF filing system, and was served on all counsel of record.

/s/ Cyrus Dashtaki